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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Hiroyuki NAKAMURA, et al.

U.S. Serial No.: 10/051,310

Group Art Unit: 2817

Filed: January 22, 2002

Special Programs Examiner

For: INTER-DIGITAL TRANSDUCER, SURFACE ACOUSTIC WAVE  
FILTER AND COMMUNICATION APPARATUS USING THE SAME

**PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(d)**  
**and M.P.E.P. § 708.02VIII**

NOV 29 2002

Commissioner of Patents  
Washington, D.C. 20231

ATTN: Special Programs Examiner

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OFFICE  
OCT 28 02  
PATENT MAINTENANCE  
DIVISION

Applicants petition, under the above provisions which expressly provide for special  
handling, to make the above-identified Application special. Applicants are submitting herewith  
the Petition fee of \$130.00.

Applicants regard all pending claims in the above-identified application to be directed to  
a single invention. On the other hand, if it is determined by the Office that the claims are not  
directed to a single invention, Applicants will not traverse a restriction requirement.

Applicants further submit that the requirement for a pre-examination search in  
accordance with MPEP § 708.02 VIII(C) is met in the application. This application is a  
continuation-in-part (CIP) of parent application no. 09/794,035, which already has been  
examined. Examination in parent application no. 09/794,035 is submitted as a satisfactory "pre-  
examination search" in this CIP. An Information Disclosure Statement was filed with this CIP to

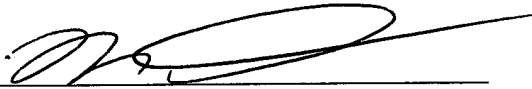
therefore identifies the art located in connection with the pre-examination search. Moreover, documents cited in the Information Disclosure Statement originally were cited in a European Search Report issued for a European counterpart of the parent application. Hence, it is submitted that a search meeting the requirement of a "pre-examination" search for this CIP application also already has been made by a foreign patent office.

A detailed discussion of how the claimed subject matter patentably distinguishes over the documents cited in the Information Disclosure Statement is submitted as a separate paper herewith.

Expedited handling of this Petition, and the new application following granting of this Petition, is respectfully requested.

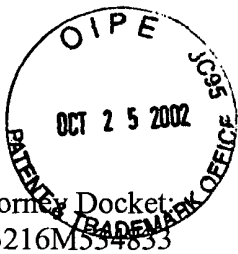
Respectfully submitted,  
SMITH, GAMBRELL & RUSSELL, LLP

By:

  
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Dated: October 25, 2002  
MAM/BLN/mef

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**STATEMENT DISTINGUISHING CLAIMS FROM PRIOR ART TO ACCOMPANY  
PETITION TO MAKE SPECIAL**

Commissioner of Patents  
Washington, D.C. 20231

ATTN: Special Programs Examiner

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OFFICE OF PETITIONS

Sir:

Submitted herewith is a Petition to Make Special. In accordance with the Petition, Applicants submit this Statement for distinguishing the claims of this application from prior art located in prior art searches by the U.S. PTO (in parent application No. 09/794,035), by the European Patent Office (for the European counterpart of the parent application), and by Applicants.

Applicants note that the present application is a C.I.P. of parent application no. 09/794,035, which already has been examined. As submitted by the accompanying Petition, prior art searches by the U.S. PTO and the EPO, and the efforts of Applicants in identifying prior art for the parent application suffice as a pre-examination search. The Information Disclosure Statement (I.D.S.) filed with this C.I.P. application lists the art located in connection with such pre-examination search. Below, Applicants comment on three documents in particular from the I.D.S., which documents they believe are important to distinguish from the present claims.

### The Claimed Invention

The present application includes one independent claim, namely claim 1. Claim 1 concerns an inter-digital transducer. The inter-digital transducer includes a piezoelectric substrate, and an IDT (inter-digital transducer) electrode having a pair of upper bus bar electrode and lower bus bar electrode placed facing each other on the piezoelectric substrate and a plurality of electrode fingers placed on the piezoelectric substrate. Each of the fingers are led out from either the upper bus bar electrode or the lower bus bar electrode toward the other bus bar electrode. Furthermore, the IDT electrode is constructed of a plurality of divisional IDT electrodes and connected to a balanced type terminal. Applicants respectfully submit that none of the prior art summarized hereinbelow teaches or suggests an inter-digital transducer as recited in claim 1.

### U.S. Pat. No. 5,363,073

According to U.S. Pat. No. 5,363,073, a multi-strip coupler is used in the IDT (i.e. between both balanced terminals). Furthermore, sub-IDT's (346, 347, 348, and 349) are connected in series. *See Column 4, Lines 1-3*. In contrast, in the present invention, divisional IDT electrodes are connected both in series and in parallel.

### JP 7-321599

Applicants understand JP 7-321599 as disclosing a configuration of a two-divisional IDT and balanced type. Thus, according to Applicants, the claimed invention differs from JP 7-321599 because it would be necessary to restrict "a plurality of divisional IDT" electrodes in the present invention to require at least three divisional electrodes.

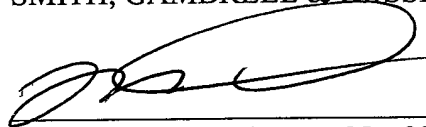
JP 9-8598

JP 9-8598 is understood only to disclose the configuration of two-divisional IDT and unbalanced type.

Applicants submit that this Statement fully complies with the requirements of 37 C.F.R. § 1.102(d). Expedited handling of the accompanying Petition and this application following granting of the Petition is respectfully requested.

Respectfully submitted,  
SMITH, GAMBRELL & RUSSELL, LLP

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